

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL MANJEET SINGH,

Plaintiff,

v.

WARDEN PHEIFFER, *et al.*,

Defendants.

Case No. 1:22-cv-01412-ADA-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF Nos. 9 & 28).

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Michael Manjeet Singh (“Plaintiff”) is a prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on May 27, 2022. (ECF No. 9). The Court screened Plaintiff’s complaint. (ECF No. 28). The Court found that only the following claims should proceed past the screening stage: Plaintiff’s Eighth Amendment claims for excessive force against Defendants Veith and Fowler, Eight Amendment claims for failure to protect and deliberate indifference to a serious medical need against Defendants Veith, Fowler, and Diaz, and state law claims for negligent failure to protect and failure to summon medical care against Defendants Veith, Fowler, and Diaz. (*Id.*, p. 2).

The Court gave Plaintiff thirty days to either: “a. File a First Amended Complaint; b. Notify the Court that he wants to proceed only on claims against Defendants Veith, Fowler, and Diaz identified in this order; or c. Notify the Court in writing that he wants to stand on his

complaint.” (Id. at 17-18). On September 27, 2023, Plaintiff filed a notice that he wants to proceed only on the claims that the Court found should proceed past screening. (ECF No. 34).

Accordingly, for the reasons set forth in the Court’s screening order that was entered on April 3, 2023 (ECF No. 28), and because Plaintiff has notified the Court that he wants to proceed only on the claims that the Court found should proceed past screening (ECF No. 34), it is HEREBY RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff’s Eighth Amendment claim for excessive force against Defendants Veith and Fowler; Eight Amendment claim for failure to protect against Defendants Veith, Fowler, and Diaz; Eighth Amendment claim for deliberate indifference to a serious medical need against Defendants Veith, Fowler, and Diaz; state law tort claim for negligent failure to protect against Defendants Veith, Fowler, and Diaz; and state law claim for failure to summon medical care in violation of California Government Code §§ 845.6 and 844 against Defendants Veith, Fowler, and Diaz.

These findings and recommendations will be submitted to the United States district judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: **October 11, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE